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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No. CR10-469 CW (DMR)
)	
12 Plaintiff,)	STIPULATION AND ORDER
)	
13 vs.)	
)	
14 ANTOINE MOORE,)	
)	
15 Defendants.)	
)	

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17 The above-captioned matter is set on the criminal duty calendar for Wednesday, July 28,
18 2010 for status or motions setting. The parties jointly request that the appearance be vacated and
19 reset for September 2, 2010.

20 Mr. Moore made his initial appearance on July 5, 2010. The government has provided
21 some discovery. The defense has requested additional discovery, and the government is in the
22 process of obtaining that information. Once the defense receives that discovery, counsel for Mr.
23 Moore will need to review that discovery and discuss it with Mr. Moore. Counsel for Mr. Moore
24 is additionally conducting investigation and legal research, but that investigation and research is
25 not yet complete. Finally, counsel for Mr. Moore will be out of the office on leave from August
26 16 through September 1.

1 The failure to grant such a continuance would unreasonably deny counsel the reasonable
2 time necessary for effective preparation, taking into account the exercise of due diligence. It
3 would also deny the defendant continuity of counsel.

4 The parties further stipulate and agree that the time from the date of this Stipulation to
5 September 2, 2010, should be excluded in accordance with the provisions of the Speedy Trial
6 Act, 18 U.S.C. §§ 3161(h)(7)(A) on the basis that the ends of justice are served by taking such
7 action which outweigh the best interest of the public and the defendant in a speedy trial and also
8 under subsection (B)(iv) for continuity of counsel and for effective preparation of counsel, taking
9 into account the exercise of due diligence.

10 DATED: July 26, 2010

_____/S/
TREVOR RUSIN
Special Assistant United States Attorney

12 DATED: July 26, 2010

_____/S/
COLLEEN MARTIN
Assistant Federal Public Defender

14
15 SIGNATURE ATTESTATION

16 I hereby attest that I have on file all holograph signatures for any signatures indicated by
17 a “conformed” signature (/S/) within this e-filed document.
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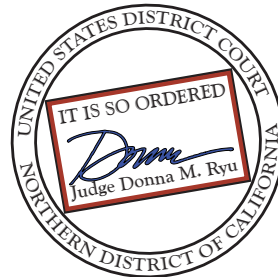
ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status conference date in this case, currently scheduled for Wednesday, July 28, 2010 at 10:00 a.m., is continued to September 2, 2010 at 9:30 a.m.

IT IS FURTHER ORDERED that the time from the date of this Order to September 2, 2010, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel and continuity of counsel. The Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial and the failure to grant the requested continuance would unreasonably deny continuity of counsel and would deny counsel the reasonable time necessary for effective preparation, taking into account due diligence, given the need for the government to obtain and provide additional discovery and the need for the defense to conduct additional legal and factual research, investigation, and review of discovery.

SO ORDERED.

DATED: 7/27/2010



DONNA M. RYU
United States Magistrate Judge